

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Thissen et al.)	Examiner:
)	Jean D. Saint Cyr
Serial No.	:	10/544,198)	
)	Art Unit:
File Date	:	January 20, 2004)	2425
)	
Cnfrm. No.	:	8391)	
)	
For	:	METHOD OF CODING AND)	
		TRANSMITTING EPG DATA, CODER AND)	
		RECEIVER)	

REQUEST FOR RECONSIDERATION

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the January 6, 2009, office action, applicants respectfully request reconsideration of the sole basis of rejection asserted therein.

The rejection of claims 1-5, 7, and 8 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publ. No. 2002/0129366 to Schein et al. ("Schein") as evidenced by U.S. Patent No. 5,353,121 to Young ("Young") is respectfully traversed.

Schein teaches an electronic program guide (EPG), and identifies an array of possible user features that can be selected by the viewer via the EPG. One of the possible features is the ability for the viewer to identify when the same program may be viewed at different times on the same channel and/or other channels. This can be done by selecting a particular option on the EPG via remote control. For this feature to be provided, schedule data will have been transmitted to the broadcast data receiver and will be associated with the particular program to which the schedule data relates. Schein discloses that transmission of vertical blanking information (including program related information), program guide, and conditional access information "are provided as separate bit streams" (see paras. 0053 and 0054). Thus, Schein teaches away from interleaving data transmission as presently claimed.

The U.S. Patent and Trademark Office (“PTO”) asserts at page 3 of the office action that Young, because it is incorporated by reference into Schein, overcomes this deficiency. In particular, the PTO cites Young for teaching “schedule information...transmitted in an interleaved matter (see Young, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities).” The portions of Young cited in support of this assertion are col. 24, lines 9-12; col. 15, lines 30-35; col. 15, lines 54-56; and col. 18, lines 47-52.

Applicants respectfully traverse the rejection because Young does *not* teach a method of coding and/or transmitting EPG data that involves the interleaving of data as claimed, and therefore Schein is deficient in teaching or suggesting each and every limitation of the claimed invention.

Young teaches an EPG type schedule system utilizing a background display, in which the background schedule information can be displayed over a portion of a television screen in response to activation of the EPG.

Young recites at col. 24, lines 9-13 that “In the present invention, there is a concept of a guide session which allows the user to open the background guide repeatedly, interleaved with nonbackground guide activities, such as watching TV or using the foreground guide.” The only similarity between the present invention and the cited description in Young concerns the mere use of the word “interleaved.” This term “interleaved,” as used in Young, refers to the user’s behavior and not to any method of coding and/or transmitting EPG data as in the present invention—in Young the guide can be opened in multiple interleaved windows that appear on the display. Thus, this portion of Young does not at all relate to the coding and/or transmitting of EPG data in an interleaved manner as claimed.

Col. 15, lines 30-35 and 54-56 of Young refer only to the manner in which a user can quickly search and sort a downloaded schedule (the EPG content) so as to display a subset of the schedule—i.e., according to topics, such as comedy, satire, etc., or other preferences that are important to the user. Thus, this portion of Young does not at all relate to the coding and/or transmitting of EPG data in an interleaved manner as claimed.

Col. 18, lines 47-52 of Young refer to the method of updating the EPG. The approach identified by Young is exactly the same type of EPG transmission that the present invention is intended to overcome. The cited text of Young recites: “When update is required, programmable tuner 202 will be tuned automatically to the station or cable channel carrying the data. *After the VBI signal is processed by CPU*, the listing data is stored in

schedule memory 232, while the cable channel assignment data is stored in cable-specific RAM memory 238” (emphasis added). This cited text of Young indicates that all of the data is transmitted and, once processed, it is then stored in appropriate memory. This portion of Young does not at all relate to the coding and/or transmitting of EPG data in an interleaved manner as claimed. Instead, this represents one prior approach—with the attendant problem of possible data loss as described in the background of the present application.

Because Young fails to teach the coding and/or transmitting of EPG data in an interleaved manner as claimed, and Schein is likewise deficient in this regard (as acknowledged by the PTO in the March 24, 2008, Office Action at page 3), Schein as evidenced by Young cannot anticipate the presently claimed invention. In particular, the PTO has failed to demonstrate where Schein, alone or evidenced by Young, teaches or suggests a method of coding and/or transmitting EPG data as presently claimed, where program records and the schedule records are coded and/or transmitted in an interleaved manner such that “two successive...program records are separated by one or more schedule records associated with a particular one of the two successive program records *and*, once transmitted, *at the receiving device, the EPG data is read, parsed and stored as it is being received before the complete reception of the data for the EPG is finished*” (emphasis introduced).

The present invention is also non-obvious over Schein as evidenced by Young. As noted in the present application (see page 4), this recited invention allows the processing of received data to be performed “on the fly” as processing can commence once the program data and schedule data for a particular program has been received, and it is not necessary for the receiver to wait until it has received the data for all programs on the EPG and then all corresponding schedule data before processing can begin. This affords significant advantages previously unattained during EPG transmission. One advantage is that the processing can commence quickly upon receipt of the first data and it is not necessary for receipt of all of the data before processing commences; this avoids EPG processing delay. A second advantage is that if the system runs out of memory or crashes, then only the data for the last received program is at risk of being lost rather than all of the program data.

For all these reasons, the rejection of claims 1-5, 7, and 8 as anticipated by Schein as evidenced by Young is improper and should be withdrawn.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Dated: March 6, 2009

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